

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

RICHARD FILER :
VERSUS : CIVIL ACTION NO.
CITY OF ST. MARTINVILLE, ET AL : JUDGE

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NOTICE OF REMOVAL BASED ON
FEDERAL QUESTION JURISDICTION

NOW INTO COURT, through undersigned counsel, come defendants, the CITY OF ST. MARTINVILLE; MAYOR THOMAS NELSON, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS MAYOR OF THE CITY OF ST. MARTINVILLE; CHIEF PAULA SMITH, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AS CHIEF OF POLICE OF THE CITY OF ST. MARTINVILLE; and OFFICER BRANDON DESORMEAUX, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS A POLICE OFFICER FOR THE CITY OF ST. MARTINVILLE, who with respect represent:

1.

On February 6, 2013, plaintiff, Richard Filer, filed a Petition for Damages in the 16th Judicial District Court, Parish of St. Martinville, a copy of which is attached hereto as Exhibit "A," in which he alleges that he suffered injuries and damages in "...Violation of his constitutional rights under the Fourth and Fourteenth Amendments to the United States Constitution..." and "...claims damages for the injuries set forth above under 42 U.S.C. § 1983..."

2.

Defendants in this matter were served with said Petition for Damages as follows: the City of St. Martinville was served via domiciliary service on February 14, 2013; Mayor Thomas Nelson was served via domiciliary service on February 14, 2013; and Chief Paula Smith was served via domiciliary service on February 14, 2013. It is unknown whether Officer Brandon Desormeaux has been served.

3.

Appearers desire and are entitled to remove the above suit from the 16th Judicial District Court, St. Martin Parish, Louisiana, to federal court, the United States District Court for the Western District of Louisiana, pursuant to the provisions of 28 U.S.C. § 1331 and § 1441(a)(b).

4.

Upon filing of this Notice of Removal, counsel for appearers will give written notice to the plaintiff and will file a copy of the Notice of Removal with the Clerk of Court of the 16th Judicial District Court, St. Martin Parish, Louisiana.

5.

The consent of no other defendants is required.

WHEREFORE, appearers pray that the suit entitled, "Richard Filer vs. City of St. Martinville, et al," Docket Number 79908-C of the 16th Judicial District Court, St. Martin Parish, Louisiana, be removed to the United States District Court, Western District of Louisiana and that the 16th Judicial District Court, St. Martin Parish, Louisiana, proceed no further therein unless the case is remanded.

BORNE & WILKES, L.L.C.

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ATTORNEYS FOR THE CITY OF
ST. MARTINVILLE; MAYOR THOMAS NELSON,
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY AS MAYOR OF THE CITY OF ST.
MARTINVILLE; CHIEF PAULA SMITH,
INDIVIDUALLY AND IN HER OFFICIAL
CAPACITY AS CHIEF OF POLICE OF THE CITY
OF ST. MARTINVILLE; AND OFFICER BRANDON
DESORMEAUX, INDIVIDUALLY AND IN HIS
OFFICIAL CAPACITY AS A POLICE OFFICER FOR
THE CITY OF ST. MARTINVILLE

CERTIFICATE

I HEREBY CERTIFY that on March 12, 2013, a copy of the foregoing Notice of
Removal Based on Federal Question Jurisdiction was filed electronically with the Clerk of Court
using the CM/ECF system. I also certify that I have this date mailed by United States Postal
Service this filing to the following non-CM/ECF participant:

J. Christopher Alexander, Sr.
Attorney at Law
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s/John F. Wilkes, III
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